

# Chapter 3

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## Refuse Disposal and Collection

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### **Sec. 8-3-1 Title**

This chapter shall be known as the Solid Waste Management Ordinance of the City of Adams, hereinafter referred to as this "Ordinance" or "Chapter".

### **Sec. 8-3-2 Declaration of Policy**

It is hereby declared to be the purpose and intent of this Chapter to enhance and improve the environment and promote the health, safety and welfare of the City by establishing minimum standards for the storage, collection, transport, processing, separation, recovery, and disposal of solid waste.

### Sec. 8-3-3 Definitions

For the purpose of this Chapter, the following words and phrases shall have the meanings given herein unless different meanings are clearly indicated by the context.

- (a) **Agricultural Establishment.** An establishment engaged in the rearing and slaughtering of animals and the processing of animal products or orchard and field crops.
- (b) **Bulky Waste.** Items whose large size precludes or complicates their handling by normal collection, processing or disposal methods.
- (c) **Commercial Unit.** Commercial units shall be all property other than residential units and shall include boarding houses, motels and resorts.
- (d) **Curb.** The back edge or curb and gutter along a paved street or where one would be if the street was paved and had curb and gutter.
- (e) **Demolition Wastes.** That portion of solid wastes consisting of wastes from the repair, remodeling or reconstruction of buildings, such as lumber, roofing and sheathing scraps, rubble, broken concrete, asphalt and plaster, conduit, pipe, wire, insulation and any other materials resulting from the demolition of buildings and improvements.
- (f) **Disposal.** The orderly process of discarding useless or unwanted material.
- (g) **DNR.** The Wisconsin Department of Natural Resources.
- (h) **Dump.** A land site where solid waste is disposed of in a manner that does not protect the environment.
- (i) **Dwelling Unit.** A place of habitation occupied by a normal single family unit or a combination of persons who may be considered as equivalent to a single family unit for the purposes of this Chapter.
- (j) **Garbage.** Includes every refuse accumulation of animals, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetables originally used for foodstuffs.
- (k) **Hazardous Waste.** Those wastes such as toxic, radioactive or pathogenic substances which require special handling to avoid illness or injury to persons or damage to property and the environment.
- (l) **Industrial Waste.** Waste material, except garbage, rubbish and refuse, directly or indirectly resulting from an industrial processing or manufacturing operation.
- (m) **Litter.** Solid waste scattered about in a careless manner, usually rubbish.
- (n) **Non-Residential Solid Waste.** Solid waste from agricultural, commercial, industrial or institutional activities or a building or group of buildings consisting of four (4) or more dwelling units.
- (o) **Person.** Individuals, firms, corporations and associations, and includes the plural as well as the singular.
- (p) **Private Collection Services.** Collection services provided by a person licensed to do same by the DNR.
- (q) **Recyclable Waste.** Waste material that can be remanufactured into usable products and shall include, by way of enumeration but not by way of limitation, glass, plastics, newspapers, cardboard, metals (aluminum, steel, tin, brass, etc.).

- (r) **Refuse.** Includes all waste material, including garbage, rubbish and industrial waste and shall, by way of enumeration but not by way of limitation, include grass, leaves, sticks, tree branches and logs, stumps, stone, cement, boards, furniture or household appliances, garden debris.
- (s) **Residential Solid Waste.** All solid waste that normally originates in a residential environment from residential dwelling units.
- (t) **Residential Unit.** Residential unit shall mean an individual household capable of independent habitation by a family unit. A single-family dwelling shall be considered to be one (1) residential unit; multi-family dwelling shall be considered to be multiple residential units, the number of residential units to equal the number of family units to be housed therein. Residential units shall not include boarding houses, motels or resorts.
- (u) **Rubbish.** Includes combustible and noncombustible waste material, except rocks, concrete, bricks and similar solid materials, plaster or dirt, that is incidental to the operation of a building and shall include, by way of enumeration but not by way of limitation, tin cans, bottles, rags, paper, cardboard, sweepings.
- (v) **Scavenging.** The uncontrolled removal of materials at any point in solid waste management.
- (w) **Solid Waste.** Garbage, rubbish and other useless, unwanted or discarded material from agricultural, residential, commercial, industrial or institutional activities. Solid waste does not include solid or dissolved material in domestic sewage.
- (x) **Storage.** The interim containment of solid waste in an approved manner after generation and prior to collection and ultimate disposal.
- (y) **Storage Areas.** Areas where persons place containers during non-collection days as well as areas where containers are set out on collection day.

### **Sec. 8-3-4 Refuse Storage Areas**

Storage areas shall be kept in a nuisance- and odor-free condition. Litter shall not be allowed to accumulate. Collection crews will not be responsible for cleaning up loose materials from any containers which have become ruptured or broken due to wet conditions, animals, vandalism or other cause. The occupant and/or owner shall be responsible for cleaning up this litter. Litter not collected shall not be allowed to accumulate. Violation will result in the occupant and/or owner being notified to clean up his area with continued violation resulting in the owner being prosecuted under the provisions of this and other City Ordinances.

### Sec. 8-3-5 Approved Waste and Refuse Containers

- (a) **General Container Standards.** Suitable containers of a type approved by the City shall be provided by the property owner or tenant in which to store all solid waste except for bulky or certain yard wastes as provided for herein. Containers, in order to be approved, shall provide for efficient, safe and sanitary handling of solid wastes. They shall be maintained in a nuisance- and odor-free condition and shall be sufficient to prevent the scattering of contents by weather conditions or animals.
- (b) **Approved Containers.** Approved residential solid waste containers shall consist of metal or plastic containers with tight fitting covers and suitable handles, commonly referred to as garbage cans, or plastic garbage bags which are closed by means of a tie. Approved containers shall be maximum thirty (30) gallon size. Container including contents shall not exceed in weight that which one person can safely lift (fifty [50] pounds). Metal garbage cans shall be of sufficient thickness to resist denting during normal handling by collection crews. Plastic garbage cans shall consist of plastic material not damaged by freezing and not susceptible to melting. They shall be capable of being handled during hot and cold weather without damage during normal handling by collection crews. Plastic bags shall be of sufficient strength to allow lifting and loading of contents without tearing. Each unit will be allowed to dispose of rubbish (not garbage) in small cardboard boxes (no more than nine [9] cubic feet in volume) provided the contents therein are covered and secured, as well as newspapers and magazines, as long as they are tied into bundles a maximum of ten (10) inches high. Should bundles, cardboard boxes and/or contents because of weather conditions become wet and soaked, they will not be collected, but must be stored by the owner in an approved container for collection on the next collection day. Cardboard boxes will be considered disposable and will not be emptied and returned to the curb.
- (c) **Defective Containers.** All garbage cans incapable of continuing to meet the definition of an approved container because of damage, loss of handles, or other factors, shall be tagged by the collection crew. The collection crew will also leave notification of the defects on the premises. Where garbage cans from several residential units are placed for collection at the same location, the garbage cans shall be identified with the address number so ownership can be determined.
- (d) **Illegal Containers.** Containers not approved consist of metal barrels and drums, wooden or cardboard barrels, wheelbarrows and other such containers not approved by this Chapter. These containers will not be emptied regardless of contents or weight.

**Sec. 8-3-6 Collection of Refuse****(a) Placement For Collection-Residential.**

- (1) Residential solid waste shall be accessible to collection crews. Residential solid waste in approved containers shall be placed immediately behind the curb of the public street for collection or containers shall be placed immediately adjacent to the alley if premises abut on an alley. Yard and bulky wastes from residential units shall likewise be placed in neat, orderly fashion behind the curb. During winter months, solid waste shall not be placed on top of the snow bank, nor shall it be placed in the roadway. The owner shall either shovel out an area behind the curb in which to place his waste or he shall place it in his driveway. Collection crews will not collect residential solid waste unless it is placed at the curb of a public street. Residential units shall bring their solid waste to the terrace adjacent to the street curb for collection. Should collection crews be unable to discharge contents of garbage cans into collection vehicles using normal handling procedures, the cans, including contents, will be left at curb side. The owner shall make provisions to assure that the solid waste therein can be collected on the next collection day. Collection crews will not empty garbage cans by means other than dumping.
- (2) No garbage containers or other containers for refuse other than those of the City shall be placed, kept, stored or located within the right-of-way of a street or alley; provided, however, that the Common Council may authorize the location of such containers within the public right-of-way at specified places and times when such location is necessary for the expeditious collection and disposition of refuse.

**(b) Restriction on Time of Placement.**

- (1) Receptacles and containers for refuse and rubbish shall be placed in collection locations as designated in Subsection (a) above prior to 6:00 a.m. of the scheduled collection day, but not more than twenty-four (24) hours prior to such time.
- (2) All receptacles, bags and containers for refuse and garbage disposal shall be removed from the curbside collection point within twenty-four (24) hours after the regular collection time.
- (3) Employees of licensed collectors will not enter any structures to remove garbage or refuse, except by written agreement with the property owner.

**Sec. 8-3- 7 Prohibited Activities and Non-Collectible Materials.**

- (a) **Dead Animals.** It shall be unlawful to place any dead animal, or parts thereof, in a container for collection provided, however, this Section shall not apply to animal parts from food preparation for human consumption.
- (b) **Un-drained Food Wastes.** It shall be unlawful to place any garbage or other food wastes in a container for collection unless it is first drained and wrapped.
- (c) **Ashes.** It shall be unlawful to place hot ashes for collection. [See Section 8-3-5(c).]
- (d) **Improper Placement.** It shall be unlawful to place, or allow to be placed, any solid waste upon the roads, streets, public or private property within the City contrary to the provisions of this Chapter.

- (e) **Compliance With Chapter.** It shall be unlawful to store, collect, transport, transfer, recover, incinerate or dispose of any solid waste within the boundaries of the City contrary to the provisions of this Chapter.
- (f) **Improper Transportation.** It shall be unlawful to transport any solid waste in any vehicle which permits the contents to blow, sift, leak or fall there from. If spillage does occur, the collection crew shall immediately return spilled materials to the collection vehicle and shall properly clean, or have cleaned, the area. All vehicles used for the collection and transportation of solid waste shall be durable, easily cleanable and leak proof, if necessary, considering the type of waste and its moisture content. Collection vehicles shall be cleaned frequently to prevent nuisances and insect breeding and shall be maintained in good repair.
- (g) **Interference With Authorized Collector.** No person other than an authorized collector shall collect or interfere with any garbage after it shall have been put into a garbage receptacle and deposited in the proper place for the collector, nor shall any authorized, person molest, hinder, delay or in any manner interfere with an authorized garbage collector in the discharge of his duties.
- (h) **Scavenging.** It shall be unlawful for any person to scavenge any solid waste or refuse placed for collection on the terrace without the permission of the owner.
- (i) **Private Dumps.** It shall be unlawful for any person to use or operate a dump.
- (j) **Burning of Waste.** It shall be unlawful for any person to bum solid waste in any manner, except as provided elsewhere in this Code of Ordinances.
- (k) **Non-Collectible Materials.** It shall be unlawful for any person to place for collection any of the following wastes:
  - (1) Hazardous waste;
  - (2) Toxic waste;
  - (3) Chemicals;
  - (4) Explosives or ammunition;
  - (5) Drain or waste oil or flammable liquids;
  - (6) Large quantities of paint;
  - (7) Tires;
  - (8) Trees and stumps, except as provided in Section 8-3-6(d).
- (l) **Animal or Human Wastes.** It shall be unlawful for any person to place animal wastes and/or human wastes for collection. These wastes should be disposed of in the sanitary sewer system.
- (m) **Hospital Wastes.** It shall be unlawful for any person to place for collection any pathogenic hospital wastes. Such items as needles and syringes may be disposed of as long as they are contained to eliminate injury to collection crews.
- (n) **Building Waste.** All waste resulting from remodeling, construction or removal of a building, roadway or sidewalk shall be disposed of by the owner, builder or contractor. Building materials of any kind will not be collected. Building materials shall not be burned at the construction site.

### **Sec. 8-3-8 Garbage Accumulation; When a Nuisance**

The accumulation or deposit of garbage, trash or putrescible animal or vegetable matter in or upon any lot or land or any public or private place within the City which causes the air or environment to become noxious or offensive or to be in such a condition as to promote the breeding of flies, mosquitoes or other insects, or to provide a habitat or breeding place for rodents or other animals, or which otherwise becomes injurious to the public health is prohibited and declared to constitute a nuisance.

### **Sec. 8-3-9 Refuse from Outside the Municipality**

It is unlawful for any person, firm or corporation to place, deposit or cause to be deposited, for collection, any waste or refuse not generated within the corporate limits of the City of Adams.

### **Sec. 8-3-10 Improper Use of Trash Receptacles**

No person shall place in or on any garbage can, dumpster or other trash receptacle not belonging to or assigned by the owner of such receptacle to such person any garbage, refuse or trash without the permission of the owner or designated assignee of such receptacle, unless such receptacle is designated expressly or implicitly for use by the general public.

### **Sec. 8-3-11 Mandatory Recycling**

- (a) **Purpose.** The purpose of this ordinance is to promote recycling and resource recovery through the administration of an effective program, as provided in Sec 159.11, Wis. Stats., and Chapter NR544, Wis. Administrative Code.
- (b) **Abrogation and Greater Restrictions.** It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.
- (c) **Interpretation.** In their interpretation and application, the provisions of this ordinance shall be held to the minimum requirements and shall not be deemed a limitation or repeal of any power granted by the Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretations shall apply. Where a provision of this ordinance is required by Wis. Stats., or by a standard in Chapter NR 544, Wis. Administrative Code, and where the ordinance provision shall be interpreted in light of the Wis. Stats., and the Chapter NR 544 standards in effect on the date of the adoption of this ordinance, or in effect on the date of the most recent text amendment to this ordinance.
- (d) **Severability.** Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

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- (e) **Applicability.** The requirements of this ordinance apply to all persons within the City of Adams, Wisconsin.
- (f) **Administration.** The provisions of this section shall be administered by the Director of the City of Adams Public Works Department.
- (g) **Effective Date.** The provisions of this section shall take effect on July 1, 1994.
- (h) **Definitions.** As used in this Section, definitions shall include the following:
- (1) “Bi-metal container” means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
  - (2) “Container board” means corrugated paperboard used in the manufacture of shipping containers and related products.
  - (3) “Foam polystyrene packaging” means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
    - a. Is designed for serving food and beverages.
    - b. Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
    - c. Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
  - (4) “HDPE” means high-density polyethylene, labeled by the SPI code #2,
  - (5) “LDPE” means low density polyethylene, labeled by the SPI code #3,
  - (6) “Lead acid battery” such as car or marine battery.
  - (7) “Magazines” means magazines and other materials printed on similar paper.
  - (8) “Major appliances” means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.
  - (9) “Materials recovery facility (MRF)” means a solid waste processing facility where recyclable materials are processed for reuse or recycling by an end user.
  - (10) “Multiple-family dwelling” means a property containing 5 or more residential units, including those which are occupied seasonally.
  - (11) “Newspaper” means a newspaper and other materials printed on newsprint.
  - (12) “Non-residential facilities and properties” means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
  - (13) “Office paper” means high-grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade.
  - (14) “Other resins or multiple resins” means plastic resins labeled by the SPI code #7.

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- (15) "Person" includes any individual, corporation, partnership, association, local governmental unit, as defined in Sec. 66.299(1)(a), Wis. Stats., state agency or authority or federal agency.
- (16) "PETE" means polyethylene terephthalate, labeled by the SPI code #1.
- (17) "Plastic container" means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.
- (18) "Post consumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Sec. 144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high volume industrial waste, as defined in Sec. 144.44(7)(a)l., Wis. Stats.
- (19) "PP" means polypropylene, labeled by the SPI code #5.
- (20) "PS" means Polystyrene, labeled by the SPI code #6.
- (21) "PVC" means polyvinyl chloride, labeled by the SPI code #3.
- (22) "Recyclable materials" means any item designated in Sec 2.11 of this ordinance.
- (23) "Solid waste" has the meaning specified in Sec 144.01(15), Wis. Stats.
- (24) "Solid waste facility" has the meaning specified in Sec. 144.43(5), Wis. Stats.
- (25) "Solid waste treatment" means any method, technique or process which is designed to change the physical, chemical, or biological character or composition of solid waste. "Treatment" includes incineration.
- (26) "SPI Code" means Society of Plastics Industry.
- (27) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (28) "Yard waste" means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative materials no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.
- (29) "Compost and compostable material" shall mean any Organic material that when accumulated is capable of rapid decomposition and generates of at least 122 degrees Fahrenheit.

(i) **Separation of Recyclable Materials.** Occupants of single family and 2 to 4 unit residences, multiple family dwellings and non-residential facilities and properties shall separate the following materials from post consumer waste:

- (1) Lead acid batteries
- (2) Major appliances
- (3) Waste oil
- (4) Yard waste
- (5) Aluminum containers
- (6) Bi-metal containers
- (7) Corrugated paper or other container board

- (8) Foam polystyrene packaging
  - (9) Glass containers
  - (10) Magazines
  - (11) Newspaper
  - (12) Office paper
  - (13) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins
  - (14) Steel containers
  - (15) Waste tires
- (j) **Separation Requirements Exempted.** The separation requirements of Sec. (k) do not apply to the following:
- (1) Occupants of single family and 2 or 4 unit residences, multiple-family dwellings and non-residential facilities and properties that send their post consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in Sec (i) from solid waste in as pure as is technically feasible.
  - (2) Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
  - (3) A recyclable material specified in Sec. (i)(5) through (15) for which a variance has been granted by the Department of Natural Resources under Sec 159.11(2m), Wis. Stats., or Sec. NR 544.14, Wis. Administrative Code.
- (k) **Care of Separated Recyclable Materials.** To the greatest extent practicable, the recyclable materials separated in accordance with Sec. (i) of this section shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.
- (l) **Management of Lead Acid Batteries, Major Appliances, Waste Oil, and Yard Waste.** Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:
- (1) Lead acid batteries shall be delivered to an approved material recovery facility which accepts lead acid batteries or a lead acid battery retailer.
  - (2) Major appliances shall be accepted by a waste hauler/recycler or a material recovery facility that accepts major appliances. Any person accepting major appliances must comply with the provisions of Wis. Stats. 144.44(9) and 144.79 for the removal and disposal of capacitors and Sec. 144.422, Wis. Stats., for the dismantling of refrigeration equipment.
  - (3) Waste oil shall be delivered to an approved drop-off site.
  - (4) Yard waste may be managed on site or composted at an approved composting facility.
  - (5) Compost Sites and Facilities All Backyard Compost Sites shall be constructed and

operated in accordance with the following standards: Location. The compost site shall be located only in backyards, shall be a minimum of four feet from any lot line and shall be screened from view of the public right-of-way. No responsible tenant shall operate more than one backyard compost site. Area Specifications. The compost site shall be no greater than ten (10) feet in diameter and five (5) feet in height. All compost sites shall be fenced or enclosed on at least three (3) sides to prevent scattering of compost material unless the dimension standards are varied by permit of the city. Composition and Operation. Backyard compost sites must be managed in a nuisance-free condition to prevent odor and the stockpiling of material that does not readily decompose within a calendar year, including but not limited to refuse, fibrous material and prunings. To prevent the attraction of rodents and other animals, no meat, bones, grease, whole eggs, or dairy products shall be added to compost sites. The pile must be turned regularly and all inert material must be removed from compost sites at least once every six (6) months.

(m) **Preparation and Collection of Recyclable Materials.** Except as otherwise directed by the City of Adams, or designee, occupants of single family and 2 to 4 unit residences shall prepare the separated materials specified in Sec. (i)(5) through (i)(15) in the manner prescribed in Sec. (1) through Sec. (10) below and shall either: (1) place the same in the designated receptacle of an established drop-off site during the days and hours such sites are open to receive such materials, or (2) place such materials curbside, in accordance with schedules and rules prescribed by the City of Adams Public Works Department, for collection. Waste tires shall not be delivered to drop-off sites or placed curbside, but shall be disposed of as provided in Sec. (m)(11).

- (1) Aluminum containers shall be rinsed free of product and flattened, if possible.
- (2) Bi-metal containers shall be rinsed free of product and flattened, if possible.
- (3) Corrugated paper or other containerboard shall be free of debris, flattened, stacked and tied.
- (4) Beginning January 1, 1996 foam polystyrene packaging shall be placed in a bag.
- (5) Glass containers shall be rinsed free of product residue and caps shall be removed and discarded.
- (6) Magazines shall be free of debris, stacked and tied.
- (7) Newspaper shall be free of debris, stacked and tied.
- (8) Office paper shall be free of debris and bagged.
- (9) Rigid plastic containers shall be prepared and collected as follows:
  - a. Plastic containers made of PETE (#1), shall be rinsed free of product residue and caps shall be removed and discarded.
  - b. Plastic containers made of HDPE (#2), shall be rinsed free of product residue and caps shall be removed and discarded.
  - c. Plastic containers made of PVE (#3), shall be rinsed free of product residue and caps shall be removed and discarded.
  - d. Beginning on January 1, 1996, rigid plastic containers made of LDPE (#4), shall be rinsed free of product residue and caps shall be removed and discarded.
  - e. Beginning on January 1, 1994, rigid plastic containers made of PP (#5), shall be

rinsed free of product residue and caps shall be removed and discarded.

- f. Beginning on January 1, 1996, rigid plastic containers made of PS (#6), shall be rinsed free of product residue and caps shall be removed and discarded.
- g. Beginning on January 1, 1996, plastic containers made of other resins or multiple resins (#7), shall be rinsed free of product residue and caps shall be removed and discarded.

(10) Steel containers shall be rinsed free of product residue, labels removed, and may be flattened.

(11) Waste tires shall be delivered to an approved material recovery facility which accepts waste tires or to a tire retailer.

(n) **Responsibility of Owners or Designated Agents of Multiple-Family Dwellings.**

(1) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in Sec. (i)(5) through (15):

- a. Provide adequate, separate containers for the recyclable materials.
- b. Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
- c. Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a licensed recycling facility.
- d. Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

(2) The requirements specified in (1) do not apply to the owners or designated agents of multiple-family dwellings if the post consumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Sec. (i)(5) through (15) from solid waste in as pure a form as is technically feasible.

(o) **Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties.**

(1) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in Sec. (i)(5) through (15):

- a. Provide adequate, separate containers for the recyclable materials.
- b. Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
- c. Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a licensed recycling facility.
- d. Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

(2) The requirements specified in (1) do not apply to the owner or designated agents of non-residential facilities and properties if the post consumer waste generated within the

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facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Sec. (i)(5) through (15) from solid waste in as pure a form as is technically feasible.

(p) **Prohibitions on Disposal of Recyclable Materials Separated for Recycling.**

No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in Sec. (i)(5) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

(q) **Specified Containers.** Beginning July 1, 1994, solid waste shall be placed for curbside collection or drop-off, in clear plastic bags, not to exceed 35 gallons in size or to exceed 50 pounds per container, and contained in a manner to avoid litter.

(r) **Right to Reject Materials.** The hauler and/or drop-off site attendant has the right to reject or leave at the curb any solid waste that is not prepared according to the specifications in Sec. (q). The hauler and/or drop-off site attendant also have the right to refuse to pick up or reject any solid waste if it contains recyclables in Sec. (i)(5) through (15). In such cases, the hauler and/or attendant shall notify the generator of the materials about the reasons for rejecting the items either in writing or verbally. The hauler and/or attendant shall also keep a list of such occurrences and provide it to the City of Adams Public Works Department at least quarterly.

(s) **Enforcement.**

- (1) For the purpose of asserting compliance with the provisions of this section, any authorized officer, employee or representative of the City of Adams Public Works Department may inspect recyclable materials separated for recycling, post consumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the City of Adams Public Works Department who requests access for purpose of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.
- (2) Any person who violates a provision of this ordinance may be issued a citation by any law enforcement official employed by the City of Adams to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.
- (3) Penalty. Penalties for violating this section may be assessed as provided in Section 1-1-7 (General Penalty) of the Code of Ordinances of Adams, Wisconsin.

**State Law Reference:** Sec. 159.09(3),(b) Wis. Stats. and Sec. 62.11 Wis. Stats.